



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2017-008186F

August 18, 2017

Ms. Rose Santos
FOIA Group, Inc.
P.O. Box 368
Depew, NY 14043

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 2017-008186

Dear Ms. Santos:

This is a final response to your July 6, 2017, Freedom of Information Act (FOIA) request in which you seek the basic contract, statement of work, modifications, business clearance, technical proposals, task orders, rates/pricing data, list of respondents, abstract of offers, slides from oral presentation, bidders mailing list, video tape of oral presentations, transcripts of oral presentations, source selection decision documents and debrief documents relevant to N00178-04-D-4030 EH05.

A thorough search of this Headquarters files was conducted, specifically those files located within the Contracts Directorate (SEA 02). Knowledgeable personnel with that office were able to locate a copy of the business clearance, technical proposals, rates/pricing data, list of respondents, source selection decision documents, debrief documents and modification N00178-04-D-4030-EH05 32 as responsive to your request. Please be advised that the conformed task order incorporates all changes made in all the modifications to the task order to date. In this instance, the enclosed modification is publicly available, therefore submitter notification, per Executive Order 12600 was not required.

I considered your request under the FOIA (5 U.S.C. S552), and Secretary of the Navy Instruction 5720.42F. However, after careful review of the responsive documents, I determined that the business clearance information, technical proposals, rates/pricing data, list of respondents, source selection decision documents, and debrief documents are prohibited from release under FOIA exemption (b)(3).

Title 5 U.S.C. §552(b)(3) protects matters which are exempt from disclosure by statute, provided that such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of information to be withheld.

Title 10 U.S.C. §2305(g) prohibits the release of contractor proposals, except for those portions of the proposal set forth or incorporated in a Department of Defense contract. In this instance, the information was submitted by the contractor in response to a competitive solicitation and is prohibited from release to the public. Additionally, the documents containing source selection information is exempt from mandatory disclosure under FOIA exemption (b)(3), 41 U.S.C. §423(a)(1).

Since some of the requested documents identified above are prohibited from public disclosure for the reasons stated above, I am partially denying your FOIA request.

I am the official responsible for the decision regarding your request. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope "Freedom of Information Act Appeal." Mail the original to:

The Department of the Navy
Office of the General Counsel
Attn: FOIA APPEALS
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000.

Please mail a copy of the appeal to:

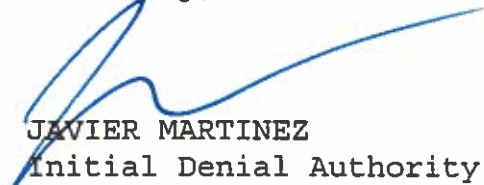
Commander
Naval Sea Systems Command (SEA 00A5)
1333 Isaac Hull Ave SE
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the foregoing, please contact Ms. Ginger Dolan at 202-781-3359.

Sincerely,



JAVIER MARTINEZ
Initial Denial Authority

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